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Docket No.
251305/0028
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **David Zhang et al**

Group Art Unit: **1634**

Application No.: **09/978,261**

Examiner: **LU, Frank Wei Min**

Filed: **October 15, 2001**

For: **NUCLEIC ACID AMPLIFICATION METHODS**

Date: **January 26, 2007**

CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)

Mail Stop Amendment

Commissioner for Patents

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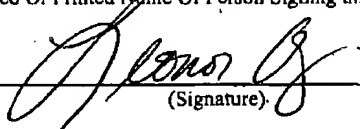
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Information Disclosure Statement (3 pp.); Form PTO 1449 (1 p.); International Search Report (6 pp.) and Fee Transmittal Sheet (1 p. in duplicate)

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DATE JANUARY 26, 2007

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TOTAL NO. OF PAGES	14
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ROOM NO.	3896
ATTORNEY NO.	3808
CLIENT/MATTER NAME	U.S. Patent Appln. No. 09/978,261
CLIENT/MATTER NO.	251305/0028

MESSAGE

Transmitted herewith please find:

1. Information Disclosure Statement (3 pp.);
2. Form PTO 1449 (1 p.);
3. International Search Report (6 pp.);
4. Fee Transmittal (1 p. in duplicate); and
5. Certificate of Transmission (1 p.)

CONFIDENTIAL

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JAN 26 2007

PTO/SB/17 (07-08)

Approved for use through 01/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).**FEE TRANSMITTAL**
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**180.00****Complete if Known**

Application Number	09/978,261
Filing Date	October 15, 2001
First Named Inventor	David Zhang
Examiner Name	Frank Lu
Art Unit	1634
Attorney Docket No.	251305/0028

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: **19-4709** Deposit Account Name: **Stroock & Stroock & Lavan LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)
Each independent claim over 3 (including Reissues)
Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 20 or HP = _____ x _____ = **0.00**

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = **0.00**

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

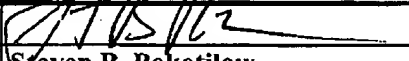
Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): **IDS fee****Fees Paid (\$)****180.00****SUBMITTED BY**

Signature		Registration No. 26,405 (Attorney/Agent)	Telephone (212) 806-5400
Name (Print/Type)	Steven B. Pokotilow	Date January 26, 2007	

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 26 2007Docket No.
251305/0028
SBP/AWIN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: **David Y. ZHANG, et al.**

Group Art Unit: 1634

Application No.: **09/978,261**Examiner: **LU, Frank Wei Min**Filed: **October 15, 2001**For: **NUCLEIC ACID AMPLIFICATION METHODS**Date: **January 26, 2007**INFORMATION DISCLOSURE STATEMENT**Mail Stop Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Information Disclosure Statement by Applicant form (PTO/SB/08A and/or B, PTO-1449, or equivalent).

The following checked sections apply to this Information Disclosure Statement:

- ☒ In accordance with 37 C.F.R. § 1.98(a)(2)(ii) as revised at 69 Fed. Reg. 56481 (September 21, 2004), copies of the cited U.S. patent application publication(s) and/or U.S. patent(s) have not been submitted.
- ☒ The cited reference(s) were called to Applicant's attention in a counterpart foreign patent application. A copy of the official communication in that counterpart foreign patent application citing the reference(s) is submitted herewith, and the Examiner is respectfully directed thereto for a concise explanation of the relevance of the cited art.
- ☐ At least some of the cited references are not (or the cited reference is not) in English, and so English abstracts of those references (that reference) are provided, if available.
- ☐ At least some of the cited references are not (or the cited reference is not) in English, and so machine English translations of those references (that reference) are provided, where available.
- ☐ This Information Disclosure Statement is being filed (1) within three months of the filing date of a national application other than a continued prosecution application under Sec. 1.53(d), (2) within three months of the date of entry of the national stage as set forth in Sec. 1.491 in an international application, (3) before the mailing of a first Office action on the merits, or (4) before the mailing of a first Office action after the filing of a Request

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JAN 26 2007

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U.S. Patent Appln. No. 09/978,261
Information Disclosure Statement
Filed January 26, 2007

for Continued Examination under 37 C.F.R. § 1.114. Accordingly, neither a fee nor Statement under 37 C.F.R. § 1.97(e) is due.

- ☒ This Information Disclosure Statement is being filed before the mailing date of any of a final action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and so is accompanied by one of:

- (1) A Statement under 37 C.F.R. § 1.97(e), which follows; or
- (2) The fee set forth in 37 C.F.R. § 1.17(p), authorization for which follows.

- ☐ This Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by:

- (1) A Statement under 37 C.F.R. § 1.97(e), which follows; and
- (2) The fee set forth in 37 C.F.R. § 1.17(p), authorization for which follows.

- ☒ Fee Under 37 C.F.R. § 1.17(p)

The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(p) (\$180) to Deposit Account No. 19-4709.

- ☐ Statement Under 37 C.F.R. § 1.97(e)

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in Sec. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

- ☒ Additional Comments

Applicant(s) have the following additional comments:

U.S. Patent No. 5,942,391 was previously cited in an Information Disclosure Statement filed October 22, 2002. Applicants note that U.S. Patent No. 5,414,320 cited in the report appears to be a typographical error as the applicant name and corresponding dates of the patent do not match with the patent number.

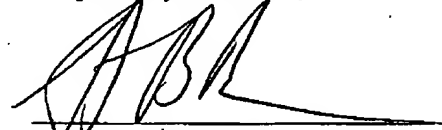
U.S. Patent Appln. No. 09/978,261
Information Disclosure Statement
Filed January 26, 2007

It is respectfully requested that the above information be considered by the Examiner and that an initialed copy of the accompanying Information Disclosure Statement by Applicant form (PTO/SB/08A and/or B, PTO-1449, or equivalent) be returned to the undersigned indicating that such information has been considered.

Other than any fees mentioned above, no fees are believed to be due in connection with this Information Disclosure Statement. Nevertheless, the Commissioner is authorized to charge any fees which are deemed to be now or hereafter due in connection with this paper to Deposit Account No. 19-4709.

Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please contact Applicant(s) attorney at the number listed below.

Respectfully submitted,



Steven B. Pokotilow
Reg. No. 26,405
Attorney for Applicant(s)
Stroock & Stroock & Lavan, LLP
180 Maiden Lane
New York, New York 10038
(212) 806-5400

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)				ATTY DOCKET NO. 251305/0028		JAN 26 2007 APPLICATION NO. 09/978,261	
				APPLICANT			
				David Zhang			
				FILING DATE		GROUP	
				October 15, 2001		1634	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,567,583	10/1996	Wang et al.			
		6,287,772	09/2001	Stefano et al.			
		6,355,431	03/2002	Chee et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
		International Search Report in International Application No. PCT/US2002/32754, mailed 15 September 2006					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

 Sheet 1 of 1